

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

RAYMOND ALLEN,

Petitioner,

v.

**Civil Action No. 1:07cv178
(Judge Keeley)**

TERESA WAID, Warden,

Respondent.

ORDER DENYING APPOINTMENT OF COUNSEL

This case is before the Court on the *pro se* petitioner's request for appointed counsel. In the motion, the petitioner asserts that he is indigent and cannot afford counsel on his own.

There is no Constitutional right to have appointed counsel in a federal habeas proceeding. Pennsylvania v. Finley, 481 U.S. 551 (1987). However, the Court may appoint counsel in a § 2241 proceeding to a financially eligible person if justice so requires. See 18 U.S.C. § 3006A(a)(2)(B). Some of the factors to be considered in making a determination as to whether appointed counsel is warranted are the complexity of the case and the petitioner's ability to litigate the matter. See Vega v. Williamson, 2005 WL 3117677 (M.D.Pa Nov. 22, 2005).

Because a review of the file shows that the matters in this case are not complex and that thus far, the petitioner has handled the prosecution of this case in an appropriate manner without counsel, the petitioner's request for appointed counsel (dckt. 2) is **DENIED**.

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the *pro se* petitioner.

DATED: February 29, 2008.

John S. Kaull

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE